



Ex Parte Communication via Electronic Comment Filing System

June 7, 2017

The Honorable Ajit Pai, Chairman
The Honorable Mignon Clyburn, Commissioner
The Honorable Michael O'Rielly, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Operating Expense Limitation, WC Docket No. 10-90

Dear Chairman Pai, Commissioner Clyburn, and Commissioner O'Rielly:

The National Tribal Telecommunications Association (NTTA) urges the Commission take the necessary steps to immediately vote on the order circulated in February 2017 that would revise the Commission's operating expense limitation rule 47 CFR § 54.303(a) for rate-of-return regulated carriers serving Tribal areas. As Chairman Pai recently told several Members of Congress in an April 28, 2017 letter, because the Commission "recognizes that carriers serving Tribal lands incur costs that other rural carriers do not face, resulting in significantly higher operating expenses to serve very sparsely populated service areas," the Order currently on circulation would "allow carriers serving Tribal lands a greater ability to recover operating expenses, thus improving the financial viability of operating a broadband network serving Tribal lands."

This relief is based on a proposal from NTTA is critical to the operations of multiple NTTA members (and other non-NTTA carriers serving Tribal lands). NTTA's latest correspondence regarding the operating expense limitation proposal is a February 9, 2017 ex parte communication filed in WC Docket No. 10-90 in which NTTA provided specific examples of unique operating costs that carriers serving Tribal areas experience, consistent with the acknowledgement by Chairman Pai in his April 28, 2017 letter to Congress.

Time is of the essence as NTTA members, and other carriers serving Tribal areas, are experiencing significantly reduced support from the operating expense limitation and other mechanisms. As the Commission is aware, it has committed to operate on a peer-to-peer relationship with Tribal governments (see 2000 *Tribal Policy Statement*). In the 2000 *Tribal Policy Statement*, the Commission committed "*in accordance with the federal government's trust responsibility, and to the extent practicable, will consult with Tribal governments prior to implementing any regulatory action or policy that will significantly or uniquely affect Tribal governments, their land and resources.*" NTTA has provided evidence that the operating expense limitation is significantly and uniquely affecting carriers serving Tribal areas.

Based on the above discussion and the uncontested evidence that NTTA and others have entered into the record in this proceeding, the Commission has everything it needs to rule on NTTA's request regarding the operating expense limitation and grant the relief requested dating back to January 2017 when the rule went into effect. We urge the Commission to take immediate action to vote on the pending order.

Thank you for your attention to this matter.

Sincerely,

Godfrey Enjady
President